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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 10/694,026  | 10/28/2003  | Klaus Mosbach        | 003301-091                      | 3683                        |
| 21839 7590 09/13/2007<br>BUCHANAN, INGERSOLL & ROONEY PC<br>POST OFFICE BOX 1404<br>ALEXANDRIA, VA 22313-1404 |             |                      | EXAMINER<br>EPPERSON, JON D     |                             |
|   |             |                      | ART UNIT<br>1639                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>09/13/2007 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO: |
|---------------------------------|-------------|---|---------------------|
| 10/694,026                      | 10/28/03    | MOSBACH ET AL.                                    | 003301-091          |

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EXAMINER

Jon D. Epperson

| ART UNIT | PAPER    |
|----------|----------|
| 1639     | 20070903 |

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment document filed on October 28, 2003 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. ONLY the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

**THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should be underlined.
  - C. Other.
2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72
  - B. Other.
3. Claims:
  - (X) A. A complete listing of all of the claims is not present (claims 1-22 were originally filed. The preliminary amendment does not contain claims 21 and 22 and these claims are not listed as being canceled)
  - (X) B. The listing of claims does not include the text of all claims (see A above)
  - (X) C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified (claim 20 is listed as a "new" claim in the preliminary amendment but claims 1-22 were originally filed. Therefore, claim 20 cannot be new).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-

Entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is NOT extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission from an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set if the final rejection, and is not affected by the non-compliant status of the amendment.

Any inquiry concerning this communication should be directed to Examiner Jon D. Epperson, Ph. D., Art Unit 1639, whose telephone number is (571) 272-0808.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1600.

/Jon D. Epperson/  
Primary Examiner, AU 1639